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WHAT TO DO IF THE POLICE COME TO CONFISCATE YOUR MILITIA WEAPONS

By Howard J. Fezell, Esq.

Note: Although this article is addressed to gun owners in Maryland, the guidelines apply to all states.

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As California and New Jersey have enacted bans on the sale and unlicensed possession of militia-style semi-automatic rifles, every Marylander who professes loyalty to the Constitution should consider what action he or she should take in the event that Congress, or our own General Assembly, were to follow suit. The points addressed in this article are premised on three assumptions.

1. Either Congress, or our General Assembly, has enacted legislation prohibiting or severely restricting the possession of weapons protected by the Second Amendment (e.g., military pattern semi-automatic rifles).

2. The reader has already decided to uphold the Constitution and not turn over his or her "prohibited" firearms under any circumstances, nor to register such weapons in order to facilitate their future confiscation. The reader has also failed to respond to government directives to dispose of or surrender such firearms.

3. The reader has secured all "prohibited" firearms away from his or her principal residence so as to prevent their unconstitutional seizure by the authorities.

What do you do when the police show up on your doorstep demanding the surrender of your militia weapons? In responding, bear in mind that you have two important rights guaranteed by the Fourth and Fifth Amendments to the United States Constitution.

The Fourth Amendment protects you against unreasonable searches and seizures. If the police want to search your home without your consent, they need a warrant. Warrants may only be issued upon a showing of probable cause, supported by an affidavit. The facts contained in the affidavit must do more than

support a mere suspicion. The test is whether the information in the affidavit would justify a person of prudence and caution in believing that an offense is being committed, e.g., that "prohibited" weapons can be found on your premises. The requirement of probable cause for the issuance of warrants is one of your most precious constitutional protections.

NEVER GIVE THE AUTHORITIES YOUR CONSENT TO SEARCH YOUR HOUSE, YOUR CAR, YOUR PLACE OF BUSINESS, OR ANY OTHER PREMISES UNDER YOUR CONTROL.

Consent dispenses with the necessity of probable cause. While lacking probable cause, if the police conduct a search with your consent and seize evidence or use it against you in court, your lawyer will not be able to suppress it on the basis that the search was warrantless.

The Fifth Amendment protects you against giving evidence against yourself, i.e., your right to remain silent. Just as you cannot be compelled to testify against yourself in a criminal trial, neither can you be compelled to answer a policeman's questions about that AR-15 you bought a couple of years ago and never surrendered. Don't be bashful about invoking this right. It is always better to remain silent and appear guilty than to open your mouth and prove it.

At the outset of any contact with the police, ask them if they have a warrant to search your premises, or a warrant for your arrest. Without one or the other, don't let them inside your front door. If they have neither, politely request that they leave and gently close the door. [Ed.: or better yet, talk to them through a window or closed door. In New Jersey police have barged through a cracked door.] If you have an attorney, keep one of his or her cards in your wallet. Give it to the officer in charge and request that all inquiries be made through your counsel. Remember, the police wouldn't be at your doorstep if you were not the target of a criminal investigation. You have no obligation

whatsoever to cooperate with people who intend to unlawfully confiscate your property and put you in jail. They can't arrest you for keeping your mouth shut and going about your business.

The police may still persist in trying to question you, or ask your consent to "take a look around". Again, if you have an attorney, give the officer in charge one of his cards and request that all inquiries be made through your counsel. Above all, remember that you have the right to break off this conversation. Do so immediately.

In some instances where the police lack a search warrant, they will tell you that it's a simple matter for them to obtain one and they "just want to save everybody a lot of time." This is hogwash. Politely tell them to get one, and close the door. If they suggest that it will "go a lot easier on you" should you give them your consent to search, tell them to call your lawyer, and close the door.

In the event that police do in fact have a warrant either to arrest you or to search your premises, do not offer any resistance. You will have other battles to fight (presumably with the weapons you have hidden) and you want to be alive and kicking when the time comes. You are a member of the militia and we don't want to lose you or your weapon. You also don't want to do anything to endanger your family or deprive them of a home. Don't be foolish and engage the authorities in a fire fight that you have no chance of winning.

On the other hand, you are not obliged to do anything to make the officers' job easier, such as giving them the combination to your gun safe. You have the right to remain silent and should take advantage of it. That may cause the authorities to forcibly open your safe, with resulting damage. But let them work at their task. After all, it's a search warrant.

Politely request to see a copy of any warrants, and above all, remain silent. Anything you say can be used against you in court. Tell the officers that you do not want to say anything or answer any questions--and that you want to talk to an attorney immediately. If you already have a lawyer, request permission to telephone him or her. If you have been taken into custody, the police are obliged to cease and

desist from interrogation once you have asserted your right to remain silent and request the assistance of legal counsel.

Your spouse and your children will be natural targets of interrogation for the authorities. Do they know where the firearms are hidden? Although Maryland law generally prohibits your spouse from testifying against you in a criminal trial, that will be of no help if he or she breaks down under questioning and the authorities know where to retrieve your guns. Never forget that your objective is to safeguard your weapons and ammunition for the defense of the Constitution against all enemies, foreign and domestic.

If you or a family member is subpoenaed to testify before a grand jury or a judicial or government body, get an attorney immediately. Legal counsel can be very helpful, either in trying to quash the subpoena or helping to invoke one's rights against self-incrimination.

Never, under any circumstances, should you lie to the authorities. Simply exercise your right to remain silent. Don't try to show them phony bills of sale that can easily be checked out and used to impeach your credibility in court should you decide to testify. Above all, don't file a false police report that your guns were lost or stolen. Making a false report to a police officer that results in an investigation being undertaken is a criminal offense in Maryland. Remember, you are not a criminal. Your ultimate goal is to defend the Constitution.

Likewise, don't fall for any of the authorities' lies. Police love to play "Mutt & Jeff" (also know as Good Cop--Bad Cop). One officer comes across as a real hardcase, telling you about all the jail time you're looking at. After a few minutes of this, his partner takes you aside, offers you a cigarette, and in a friendly tone tells you that he "only want to help you." He only wants to help you confess. Tell Mr. Nice Guy you want to talk to a lawyer. Another police tactic is to tell you that a friend of yours has confessed and given them a statement implicating you for all kinds of things. They're just trying to rattle your cage and make you blurt something out. Keep your mouth shut and let your attorney handle the police. If they really have such a statement, your counsel will be able to discover it.

If the authorities have a warrant to search your home, they might imply (sometimes none too subtly) that if you do not come across with what they're looking for they'll tear the place apart. Don't give in. Just keep your mouth shut. If you hand over your "prohibited" weapons, you've just given them all the evidence they

need to put you in prison. Even if you fall for this scare tactic, the police may still trash your house. Although this is the rare exception, not the rule, such conduct is not unheard of.

In the event you are on the receiving end of a search warrant, do not be pressured into signing any inventories of property seized without first consulting with an attorney. There might be something on that list that is prohibited according to some obscure regulation that you've never heard of. Also be sure that you or some family member receives an itemized list of any property seized. Under Maryland law the police are obliged to sign one and leave it at the premises from which the property is taken. If it is subsequently determined that the authorities took anything that was not within the scope of their warrant, your attorney should motion the court for its prompt return.

Hopefully, you will never have to avail yourself of the advice set forth above. Remember, the battle to defend our liberties has already begun--and you are one of the Constitution's foot soldiers.

QUESTION: WHAT DO ASSAULT WEAPONS AND CAESAR SALADS HAVE IN COMMON?

Well, in California, they're both banned. A new law was passed in Granola Land making it illegal to serve raw eggs in restaurants--eggs being a key ingredient in Caesar salads. Concerns over people being stricken with salmonella poisoning was the reason cited by lawmakers.

There is one loophole in the new law: if the salad is prepared at the diner's table instead of in the kitchen, a raw egg may be used. Lawmakers have determined that if the diner actually sees the egg being added to the salad, he gives his consent to having a dangerous additive put in the salad. (Source: World Net Daily)

Editor's note: Knowing that eggs sometimes contain salmonella, we suggest that all militia members refrain from throwing eggs at crooked politicians and corrupt judges--Washington will classify the salmonella laden eggs as a "poor man's anthrax," and you'll be charged with conducting a "biological attack against the United States government."

A STEP IN THE RIGHT DIRECTION

"Congress, not the Supreme Court, should decide such vexing questions as abortion rights, the death penalty and physician-assisted suicide," said Justice Antonin Scalia, March 9, 1998.

"It is not supposed to be our judgment as to what is the socially desirable answer to all of these questions. That's supposed to be the judgment of Congress, and we do our job correctly when we apply what Congress has written as basically and honestly as possible."

"Indeed, often I and my colleagues do not like in particular the results that we produce. The system is really garbage in, garbage out."

"If you have a very bad statute, not only should you expect a result to be very bad result, I would argue that you should criticize the judges as being in violation of their oath if they do not produce a bad result."

"In my Constitution, if you want the death penalty, pass a statute. If you don't want the death penalty, pass a statute the other way. You want a right to abortion, create it the way most rights are created in a democracy: pass a law. If you don't want a right to [physician-assisted] suicide, the same," said Scalia.

Justice Scalia's final comment was, *"Having the Constitution mean whatever five out of nine justices think it ought to mean these days is not flexibility but rigidity."*

CLASS ACTION LAW SUIT

Gun Owners of New Jersey released the following notice:

GONJ has filed a class action law suit against Camden, Mercer, Essex, Union, Morris, Passaic and Sussex Counties, the Attorney General and the State of New Jersey, which suit demands the cessation of the collection of fees for Mental Health Background Checks, and the return, with interest and damages, of all fees collected. Count one charges that fees were collected in violation of NJ Statutes Annotated 2C: 58-1 and NJ Administrative Code 13:54-1.13. Count two charges that the practice violates Article I of the state constitution, and that the state failed to enforce the Attorney General's 1990 opinion that the charging of fees by Morris and Essex counties is illegal.

For further information, or to assist with the suit, please call Evan Nappen, Esq. (732) 389-8888.

Update March 19: Summonses have been delivered to the sheriffs of the seven counties

"The spirit of resistance to government is so valuable in certain occasions, that I wish it to be kept alive. It will be often exercised wrong, but better so than not to be exercised at all. I like a little rebellion now and then. It is like a storm in the atmosphere."

--Thomas Jefferson, letter to Abigail Adams, 1787

that are being sued, and to the Attorney General, for not taking action to stop the illegal practice in question.

The illegal fees collected amount to approximately \$600,000, so with penalties, interest and legal fees, it could get rise to some serious money. Of course, we first have to win.

The first anguished cries that the sky is falling have been heard from the NJ NRA contingent, so I guess we must be on the right track (if you don't find arrows in your ass, you're not leading from the front). So to borrow a Crunchie phrase--follow us!

Hopefully, this will return money stolen from NJ shooters, and also teach some NJ politicians a lesson. Time will tell. Cover your butts and don't bunch up.

WORST GUN LAW EVER

Many New Jerseyans know that we've got some of the most restrictive gun laws in the nation. However, Denver, Colorado has passed a gun law that even surpasses "Nazi" Jersey. Ron Phillips wrote:

"The city of Denver is the most dangerous place in the western states for the person who is unaware of what is poised to attack him. It is not the criminals, but the city government that you need to fear. Under Denver Municipal Ordinance 37-50, et. seq., the city may seize your home, car or other property as a public nuisance if it has been used to "commit, conduct, promote, facilitate or aid in the commission of or flight from" any of several listed offenses.

Possession of a firearm in a car is a crime. There are no exceptions such as hunting, travel, or going to a range. To quote the ordinance it is a crime to "Unlawfully discharge, possess, carry, flourish, conceal, use, store, or sell firearms, knives, and/or defaced firearms." The Denver City Attorney's office has said they will confiscate cars and guns in all instances.

Kevin Massaro, an attorney, wrote an article that appeared in the *Denver Post*, Feb. 22, 1998, titled "Ordinance Lets City Take Your Property." He wrote: "While the forfeiture action is triggered by criminal charges or municipal ordinance violations, it is filed in civil court, and because of the lower burden of proof in civil court you can lose your property even if you've been acquitted in the criminal case. The City seizes your car or places notice on your home and dares you to fight to reclaim your property. In civil court, since you face no possibility of jail, you have no constitutional right to counsel and hence must pay an attorney, fight it yourself, or default. If you can't afford a lawyer, too bad.

"The Denver City Attorney will likely tell you that this ordinance is necessary to stop gang crime, that they do not go after honest citizens and that we should place our faith in the benevolence of the bureaucracy. First, state law governs major crime and the other metro cities

seem to keep the peace without this ordinance. Second, a simple reading of this law would make any civil libertarian break out in hives. Many of the offenses listed are simply not gang crime or gang-related. Further, the city attorney has an active forfeiture department and the police budget includes forfeitures as a significant revenue source."

Department of Justice Responds to NJM Letter

The following exchange took place between NJM and the U.S. Department of Justice's Terrorism and Violent Crime Section. We wrote them explaining English usage expert Professor Copperud's analysis of the Second Amendment, which runs counter to the official position of the Justice Department. (Note that the DOJ views the militia as violently criminal and terrorist. If not, why did Attorney General Janet Reno have that department reply to us?) Here is our letter dated Dec. 29, 1997 and DOJ's response:

Dear Mr. Edelman,

Someone e-mailed me a letter you (supposedly) had written (the name of the recipient was deleted) concerning the Second Amendment. The letter is as follows:

Dear Ms. (Deleted),

We received your letter of March 12, 1997, and are pleased to respond to your question about the Second Amendment.

In your letter, you related a statement made by Sarah Kemp Brady to the effect that the Second Amendment of the United States Constitution does not guarantee the right of individuals to possess firearms. This is, in fact, correct. Although those who oppose any form of gun control commonly assert the Second Amendment confers that right to individual ownership of firearms, this view is not sustained by case law interpreting that amendment. The courts have uniformly held that the Second Amendment protects only against federal attempts to disarm or abolish organized state militias, and does not confer on an individual the right to own or possess firearms. This has been the consistent position of the Supreme Court and the eight United States Court of Appeals which have considered the issue.

Thank you so much for your interest in this important issue and we hope this information is helpful.

Sincerely,

Ronnie L. Edelman

Principal Deputy Chief

Terrorism and Violent Crime Section

If you did in fact write this letter, or, if this is the official position of the Justice Department in regards to the Second Amendment, I'd like to bring the following to your attention:

Recorded in *The Journal on Firearms and Public Safety*, Summer 1992, Vol. 4, No. 1,

author J. Neil Schulman interviewed Professor Roy Copperud to get his opinion on the Second Amendment. Copperud was a professor of journalism at the University of California and author of *American Usage and Style: The Consensus*. He's recognized as the foremost expert on English usage. He's also on the usage panel on the American Heritage Dictionary and Merriam Webster's Usage Dictionary frequently cites as an expert.

To get to the point, Professor Copperud's understanding of the Second Amendment and that expressed in the letter above seem to be 180 degrees apart. Here's a sample of the interview between Mr. Schulman and Professor Copperud to prove the point:

Schulman: Can the sentence [Second Amendment, A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed] be interpreted to grant the right to keep and bear arms solely to a 'well regulated militia'?

Copperud: The sentence does not restrict the right to keep and bear arms, nor does it state or imply possession of the right elsewhere or by others than the people; it simply makes a positive statement with respect to the right of the people.

Schulman: Is the "right of the people to keep and bear arms" granted by the words of the Second Amendment, or does the Second Amendment assume a preexisting right of the people to keep and bear arms, and merely state such right "shall not be infringed"?

Copperud: The right is not granted by the amendment; its existence is assumed. The thrust of the sentence is that the right shall be preserved inviolate for the sake of ensuring a militia.

Schulman: Is the right of the people to keep and bear arms conditioned upon whether or not a well-regulated militia is, in fact, necessary to the security of a free State, and if that condition is not existing, is the statement "the right of the people to keep and bear arms shall not be infringed" null and void?

Copperud: No such condition is expressed or implied. The right to keep and bear arms is not said by the amendment to depend on the existence of a militia. No condition is stated or implied as to the relation of the right to keep and bear arms and to the necessity of a well regulated militia as a requisite to the security of a free State. The right to keep and bear arms is deemed unconditional by the entire sentence.

Schulman: Does the clause "A well regulated militia, being necessary to the security of a free State" grant the right to the government [or the courts] to place conditions on the "right of the people to keep and bear arms," or is such right deemed unconditional by the entire sentence?

Copperud: The right is assumed to exist and to be unconditional, as previously stated. It is

invoked here specifically for the sake of the militia.

There's more, but I think this makes the point. The above quotes were made by someone who is considered peerless in English usage and contradicts the opinion expressed at the beginning of this letter.

My question is this: If Professor Copperud's understanding of the Second Amendment is correct, and runs contrary to that of the courts and/or the government, what solution is there to correct this misunderstanding? In the opening letter it stated that the Second Amendment, "...does not confer on an individual the right to own or possess firearms." This is totally contrary to Professor Copperud's understanding of the Second Amendment.

If Professor Copperud's understanding of the Second Amendment is incorrect, please explain.

Is he operating on a different set of rules governing English usage and grammar than that of our judicial and legislative branches of government? If so, please explain.

In general, why is the understanding of the Second Amendment by Professor Copperud differ from that of the Justice Department and our legal system?

Looking forward to your response.

Respectfully,
(Deleted)

Note: James S. Reynolds of the DOJ responded with the following letter.

Dear Mr. (Deleted) March 18, 1998

This responds to your letter from December 1997 in which you express your concern about the official position of the Department of Justice regarding the Second Amendment. You relate the argument of Professor Copperud, that the Second Amendment is simply the confirmation of a preexisting individual right to bear arms.

Ultimately, however, it is the Supreme Court and the lower Federal courts that are the final arbiter of the meaning of the Constitution. The Supreme Court and the eight U.S. Courts of Appeal that have considered this issue have uniformly held that the Second Amendment does not confer an individual right to own or possess firearms. See United States v. Miller, 307 U.S. 174 (1939); Cases v. United States, 131 F. 2nd 916 (1st Cir. 1942) ("The right to keep and bear arms is not a right conferred upon the people by the federal constitution [because it pre-dates the Constitution--Ed.].", cert. denied sub nom. Velazquez v. United States, 319 U.S. 770 (1943); Eckert v. City of Philadelphia, 477 F. 2nd 610 (3rd Cir.) ("It must be remembered that the right to keep and bear arms is not a right given by the United States Constitution."), cert. denied, 414 U.S. 839 (1973); United States v. Tot, 131 F. 2nd 261, 266-67, (3rd Cir. 1942), rev'd on other grounds, 319 U.S. 463 (1943); United States v. Johnson, 497 F. 2d.

548, 550 (4th Cir. 1974); United States v. Warin, 530 F. 2d 130, 106-07 (6th Cir.) ("We conclude that the defendant has no private right to keep and bear arms under the Second Amendment."), cert. denied, 426 U.S. 948 (1976); Stevens v. United States, 440 F. 2d 144, 149 (6th Cir. 1971) ("There can be no serious claim to and express constitutional right of an individual to possess firearms."); Quilici v. Village of Morton Grove, 695 F. 261, 270 (7th Cir. 1982) ("The right to keep and bear handguns is not guaranteed by the Second Amendment."), cert. denied, 464 U.S. 863 (1983); United States v. Hale, 978 F. 2d 1016, 1019 (8th Cir. 1992) ("The rule emerging from Miller is that, absent a showing that the possession of a certain weapon has 'some reasonable relationship to the preservation or efficiency of a well-regulated militia,' the Second Amendment does not guarantee the right to possess the weapon."), cert. denied, 113 S. Ct. 1614 (1993); Cody v. United States, 460 F. 2d 34, 36-37 (8th Cir.), cert. denied, 409 U.S. 1010 (1973); United States v. Tomlin, 454 F. 2d 176 (9th Cir.), cert. denied, 406 U.S. 924 (1972); United States v. Oaks, 564 F. 2d 384, 387 (10th Cir. 1977), cert. denied, 435 U.S. 926 (1978); United States v. Swinton, 521 F. 2d 1255, 1259 (10th Cir. 1975) ("There is no absolute constitutional right of an individual to possess a firearm."), cert. denied, 424 U.S. 918 (1976).

Based on those decisions, the following statement is representative of the long-standing position of this department in both Republican and Democratic administrations:

"The language of the Second Amendment, when it was first presented to the Congress, makes it quite clear that it was the right of the States to maintain a militia that was being preserved, not the rights of an individual to own a gun...[and] there is no indication that Congress altered its purpose to protect state militias, not individual gun ownership [upon consideration of the Amendment]...Courts...have viewed the Second Amendment as limited to the militia and have held that it does not create a personal right to own or use a gun...In light of the constitutional history, it must be considered as settled that it does not create a personal constitutional right, under the Second Amendment, to own or use a gun."

Letter from Mary C. Lawton, deputy Assistant Attorney General, Office of Legal Counsel, to George Bush, Chairman, Republican National Committee (July 19, 1973) (citing Presser v. Illinois, 116 U.S. 252 (1886), and United States v. Miller, 307 U.S. 174 (1939).

We hope this information is helpful to you.

Sincerely,

James S. Reynolds, Chief

Terrorism and Violent Crime Section

Department of Justice

Note: You'll notice that Mr. Reynolds totally skipped the issue of proper English usage--which was the major thesis of our letter. He had to because it was irrefutable. He had to rely on the opinions and case law from our corrupt judicial system with their erroneous interpretation of the Second Amendment.

The Supreme Court will never give a correct interpretation of the Second Amendment because they've changed the rules of etymology to suit their own agenda.

If you want a clear understanding of the Bible, refer to a Hebrew or Greek word study written by an expert in those languages. Secondly, consider the time-period in which they were written. If you want a clear understanding of the Constitution, do the same, and that's what we did. Unfortunately most federal officials do not wish to understand it.

We responded to Mr. Reynolds with the following letter:

3/26/98

Dear Mr. Reynolds,

I would first like to thank you for answering my letter to the Department of Justice concerning my pointing out Professor Copperud's interpretation of the Second Amendment, and how it differs from the official position of the DOJ.

In your letter you stated: *"Ultimately, however, it is the U.S. Supreme Court and the lower Federal courts that are the final arbiter of the meaning of the Constitution. The Supreme Court and the eight U.S. Courts of Appeal that have considered this issue have uniformly held that the Second Amendment does not confer an individual right to own or possess firearms."*

After reading your comments I picked up a copy of 'The Right To Keep And Bear Arms Report of the Subcommittee On The Judiciary. United States Senate. Ninety-Seventh Congress.' February 1982. The subcommittee's Chairman was Sen. Orrin Hatch.

In the opening portion of Senator Hatch's statement, he said:

"Immediately upon assuming chairmanship of the Subcommittee on the Constitution, I sponsored the report which follows as an effort to study, rather than ignore, the history of the controversy over the right to keep and bear arms. Utilizing the research capabilities of the Subcommittee on the Constitution, the resources of the Library of Congress, and the assistance of constitutional scholars such as Mary Karen Jolly, Steven Halbrook, and David T. Hardy, the subcommittee has managed to uncover information on the right to keep and bear arms which documents quite clearly its status as a major individual right [emphasis added] of American citizens. We did not guess at the purpose of the British 1689 Declaration of

Rights; we located the Journals of the House of Commons and private notes of the Declaration's sponsors, now dead for two centuries. We did not make suppositions as to colonial interpretations of the Declaration's right to keep arms; we examined colonial newspapers which discussed it. We did not speculate as to the intent of the framers of the second amendment; we examined James Madison's drafts for it, his hand written outlines of speeches upon the Bill of Rights, and discussions of the second amendment by early scholars who were personal friends of Madison, Jefferson, and Washington and wrote while these still lived. What the Subcommittee on the Constitution uncovered was a clear—and long lost—proof that the second amendment to our Constitution was intended as an individual right of the American citizen to keep and carry arms in a peaceful manner, for protection of himself, his family, and his freedoms."

In my first letter I referred to Professor Cooperud's interpretation of the Second Amendment, where he steadfastly maintained the position that the Second Amendment recognized an individual right to keep and bear arms. Now the Senate Subcommittee agrees with Professor Cooperud.

Upon reading this portion of Senator Hatch's statement, Mark 3:24 came to mind, which reads: *"If a house be divided against itself, that house cannot stand."*

Mr. Reynolds, how can the Legislative and Judicial branches of our government maintain two totally different interpretations of the same Right? (And other issues as well). Is not this a "house divided"?

One of the most graphic illustrations of this "divided house" occurred over Title VII of the Civil Right Act ratified back in 1964. When Justice William Brennan interpreted Title VII as meaning employers must have racial quotas in their hiring, an exasperated Hubert Humphrey, chief architect of the Civil Rights Act, said: *"If anyone can find in Title VII any language which provides that an employer will have to hire on the basis of color, I will start eating the pages one after the other, because it is not there."*

Be that as it may, we still have quotas. And I assume the Department of Justice will prosecute any employer who violates Title VII, not according to what the legislators actually wrote, but according to the Supreme Court's interpretation. (The "final arbiter" as you cited in your letter).

[Editor's note: Jefferson referred to "...judges as the ultimate arbiters of all constitutional questions" as a "...very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy..."]

If this is the current state of affairs in Washington then we've passed from a *Lex Rex*

form of government to a *Rex Lex*. The Constitution, coupled with the original intent of the Framers, is supposed to be the supreme law of the land—not the opinions of Supreme Court Justices.

Mr. Reynolds, I think we're witnessing a fulfillment of a prophetic warning that Thomas Jefferson foretold in a letter to Judge Spence Roame. Jefferson said that the Constitution would become *"...a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."*

Louis Boudin, in his classic book 'Government by Judiciary,' quoted a statement made by a Dr. Johnson that speaks volumes against our modern-day judicial system:

"Let us rid ourselves of cant; let us not do one thing and say another; let us not act upon the theory that the Constitution is unchangeable as the law of the Medes and the Persians, when it is being constantly changed by judicial interpretation, in many respects quite as effectual and much more easily than it could be by amendment in the prescribed form." (p.10, Introduction, vol. 1.)

If you read the 6th chapter of the book of Daniel you'll understand what Dr. Johnson is referring to. While most Americans would find the laws of the Medes and the Persians objectionable, the integrity with which they maintained them certainly is not. They were such exemplars of judicial excellence that Dr. Johnson cited them as a model of how our judiciary should behave toward our own Constitution.

If you'd care to comment it would be appreciated.

Respectfully,

(Deleted)

Note: One of our readers e-mailed us a noteworthy fact about the Supreme Court relevant to the letters we received from the DOJ. *"According to the compilation [by the Congressional Research Service] updated through 1988, the Court has overruled more than 260 of its prior decisions. More than half of the overrulings occurred between 1953 and 1998."* Wall Street Journal, July 10, 1998.

CLINTON BANS FOREIGN GUNS PERMANENTLY

"President Clinton is making permanent his temporary prohibition on importing military-style rifles that have been modified for sport shooting in order to skirt a 1994 assault weapons ban, a White House official said Sunday," according to the Associated Press.

Clinton will accomplish his weapons ban—and we emphasize his—via Executive Order.

The AP story said that Clinton will announce the ban in a Rose Garden "ceremony."

"Clinton's order comes at the urging of Sen. Dianne Feinstein, D-Calif., who asked last year that he move to block an Israeli manufacture's export of thousands of modified military-style assault weapons for commercial sale," the AP reported.

Our beloved President, upon issuing his Executive Order, sent a warning to manufacturers and importers, saying, *"You can read the fine print in our law and our regulations all you want and you can keep making minor changes, but we're going to do our best to keep our people alive and stop you from making a dollar in the wrong way."* Selling firearms is a "wrong way" of conducting business? Must every FFL dealer in America be stopped to "keep our people alive"? Sounds as if he's addressing drug dealers or members of organized crime instead of a perfectly legitimate business.

Importers have 30 days to appeal. Good luck.

USA TODAY FIREARMS POLL

After the tragedy in Jonesboro, Arkansas, USA Today conducted a poll to see what the American people think about firearms ownership. The results must have shocked the liberal media.

- 1) I've changed and now support gun control. 6.9%.
- 2) I've always supported gun control. 13.7%.
- 3) I've changed and now oppose gun control. 27.4%.
- 4) I've always opposed gun control. 51.8%.

The BBC in England also ran a poll with the question: 'Should America Ban The Handgun? Results: Yes 18%. No 82%. These results must be driving the liberals crazy.

HAVE THESE PEOPLE NO SHAME?

After having been convicted of receiving \$145,000 in illegal campaign donations and sentenced to 60-day of home detention, Representative Jay Kim of California requested that the start of his sentence be moved to June 8--so that it will not interfere with his Republican Party primary election. Do we live in a class society or what?

NOW WE KNOW

Remember back in 1992, just before the presidential election, when former Chairman of the Joint Chiefs of Staff Gen. Colin Powell was always coming up on top in virtually every poll? Despite surprising popularity with the voters,

Powell continually refused to throw his hat in the political ring. Why?

The History Channel on March 16, 1998 aired a program covering the Mai Lai Massacre Retired Army Colonel David Hackworth said that the first high ranking officer to investigate the massacre was then-Colonel Powell. Hackworth said that Powell did everything he could to cover up the massacre--and was successful--until others told the story.

Had Powell entered the presidential race you can imagine what his political opponents would have said about his cover up of one of the most infamous acts in U.S. military history.

Powell has skeletons in his closet--hundreds of them.

THE STRANGE DEATH OF JIM McDOUGAL

Note: The following account is told by one of the members of the Viper Militia who was serving time with, and became a good friend of, former Clinton crony Jim McDougal. "I thought that my stories of interest ended with my sentencing and being sent to prison here in Ft. Worth, until my friend Jim McDougal died last Saturday.

I believe he was murdered! So does every other inmate in this prison. All 1,442 of them.

So many bizarre things occurred last Saturday afternoon that the government's story doesn't hold much water.

It all started a 4 o'clock when an olive drab 'Blackhawk' helicopter with no markings on it whatsoever, landed outside the fence of the prison. Head count was completed and we went to dinner. Upon completion of our evening meal at 6:05 the helicopter took off and flew over the compound at maybe 150 feet.

Hundreds of us inmates saw this helicopter take off. At 6:10 the compound was locked down and at the same time Jim was taken to give a urine specimen for drug testing which is very odd in itself because he's not here for drugs.

When I had lunch with Jim at noon on Saturday, he was in good health and was even jovial. He was looking forward to

testifying before Ken Starr's Grand Jury, and the release of his book.

During the compound lock-down after dinner, he was injected with a drug in the clinic, supposedly 'Lasix' to make him urinate, then put in a hold by himself, where he died.

It was not the right time for urinalysis, he was not taken to the right place where it's done; he shouldn't have even had a UA, and even though a doctor had previously noted on his file that he had a urinary tract problem, and should not be forced to urinate on command. He was given an injection of what was called Lasix, a diuretic.

He was taken to John Petersmith Hospital, which is odd in itself, because ALL inmates are taken to Ft. Worth Osteopathic Hospital where the Bureau of Prisons contract is.

I am NOT a black helicopter nut. I saw these things with eyes close enough that I could have hit it with a rock."

—Source: Carol Hart by Internet

Community Policing and Metropolitan Government

"Community policing" is being infiltrated into local police departments through federal grants called COPS, COPS MORE and UNIVERSAL COPS. The U.S. Supreme Court, in *US v. Butler* 297 US 1 (1935), the seminal case dealing with the constitutionality of federal grants, says any such grants under Congress' power to appropriate funds pursuant to Article 1, Section 8 of the Constitution are limited to national matters which are "proposed for the common defense or general welfare, but for other objects wholly extraneous, it would be wholly indefensible upon constitutional principles. And [Mr. Justice Story, Associate U.S. Supreme Court justice, 1811-45] makes it clear that the power extends only to matters of national, as distinguished from local welfare...Study...leads us to conclude that the reading advocated by Mr. Justice Story is the correct one." (at 66-67)

The conditions that local federally-funded officers implementing the community policing grant program must meet are clearly spelled out

in U.S. Department of Justice publication NCJ 114217, *Implementing Community Policing*. The following quotes are from that document. It appears that the federal government intends to gradually reorganize police departments by using pressure groups to "make life very uncomfortable" for those who "cling to old values" by "accentuating [the] staff's vulnerability to external pressure by removing the protection provided by a public information officer and insisting that the news media be handled by subordinate officers."

Buffalo, NY, Commissioner Kerlikowske, who helped produce DOJ monograph 1484570, *Understanding Community Policing*, explains that community policing requires "profound changes which must occur on every level and in every area of the police agency" that will "alter the functions of supervisors" so that they no longer "dominate".

One could hardly imagine a more intrusive federal program upon the reserved state and local functions of police protection. Additionally, one asks, why is all this "profound change" needed to put more officers out walking the street?

Here it becomes clear that beat patrol is not the aim of community policing but is merely the "easy-win" packaging explained by the monograph. The aim of community policing is Metropolitan government. In the *Buffalo Evening News* article by Lou Michel, "Veteran Officers See Growing Morale Problem on Force", Commissioner Kerlikowske states that our police officers' morale would improve if they would "deal with the reality of changing government...and realize that they must change with it."

Ed.: West Caldwell, NJ, has accepted a COPS grant, by passing Ordinance 1345. For more information contact The Committee to Rescind Ordinance 1345, P.O. Box 1461, West Caldwell, NJ 07006.

A BIBLE VERSE TO REMEMBER

"Woe to those who enact evil statutes, And to those who constantly record unjust decisions, So as to deprive My people of their rights."

--Isaiah 10:1-2, New American Standard

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